NOTES OF CASES.

Injunctions—Restraining Publication of Photographs.—In Sports and General Press Agency, Limited, *v.* "Our Dogs" Publishing Company, Limited, in the English Court of Appeal (2 K. B., 125, 1917), it was laid down that the exclusive right to take photographs is not a form of property known to the law. It appeared that "the promoters of a dog show purported to assign the sole photographic rights in connection with the show. The assignee purported to assign to the plaintiffs the sole press photographic rights at the show. The promoters of the show did not cause any notice to be placed on the tickets of admission or otherwise forbid the taking of photographs at the show. An independent photographer took photographs of the dogs exhibited and sold certain of them to the defendants, and the defendants published the photographs so bought in an illustrated journal." It was held that an action for an injunction would not lie to restrain defendants from continuing such publication.

It is pointed out in the opinion of Swinfen Eady, L. J., that the Ladies' Kennel Association "had the grounds for the day and also the right of allowing those persons to enter of whom they approved and excluding those of whom they did not, and that right carried with it the right of laying down conditions binding on the parties admitted; it might be a condition that they should not use cameras or should not take photographs or make sketches."

It appears to be clearly recognized in the opinion quoted from and in the concurring one of Lush J., that if a condition not to use cameras had been imposed its observance would have constituted a matter of contract on the part of any member of the public entering, the violation of which would entitle a person aggrieved to an injunction. The conclusion of the opinion of Swinfen Eady, J., indicates that persons in the positions of the plaintiffs, that is, assignees of the licensee to take photographs, "could have acquired by contract such a right as they claim."

In Luray Caverns Company *v.* Kauffman, in the Supreme Court of Appeals of Virginia (112 Va., 725, 72 S. E. 709, 38 L. R. A., N. S., 1207), it was held that an owner of real estate containing caverns which are a natural curiosity, who has expended large sums in opening up the property so as to make it attractive to visitors, and who has procured pictures and paintings of the curiosities which it sells as souvenirs to tourists and the public generally, thereby making them a valuable advertisement of the property, inducing visitors to inspect the natural beauties, cannot restrain defendant by injunction from selling copies of other photographs of which his assignor was a rightful owner, taken by permission of a former owner of the real estate, in the absence of any showing of conditions im-

posed as to the use of such photographs, or an assignment to the plaintiff of the contract between the former owner of the land and defendant's assignor.

The stress of the action was placed upon alleged interference with the business of the owner of the caverns through circulating pictorial representations which, besides affecting the patronage of visitors by their misleading character, entered into competition for sale with those issued by the owner himself. It was, however, sufficient for the dismissal of the application for an injunction that the assignee from the owner had presumably obtained plenary rights to take photographs for artistic purposes and to circulate the products, which rights had passed to his assignee, the present defendant.

Evidently a claim for relief, founded upon trespass, had been discussed on the argument, and what the court said on this topic may be of interest: "As was said in Miller *v.* Wills (95 Va., 337), 'although a court of equity will not, as a general rule, interpose to prevent a mere trespass, yet if the act done or threatened would be destructive of the substance of the estate, or if repeated acts of wrong are done or threatened, or the injury is or would be irreparable—in fine, whenever the remedy at law is or would be inadequate —a court of equity will enjoin the perpetration or the wrong and prevent the injury.'

"In no sense is any trespass alleged in this bill. There is no invasion of the premises of the appellant. There is no act done or threatened which would destroy, or in the least degree affect, the substance of the estate. The whole case made is that there is an invasion of and injury to the rights of appellant, because the appellee goes upon the market with colored photographs of the property of appellant, which he offers to sell in competition with pictures of the same objects offered for sale by the appellant."

The right recognized by the English case to relief by injunction where there has been violation of a condition expressly imposed upon allowing entrance by the public to an exhibition or to one's land may be of considerable practical value and is in furtherance of justice.

Insurance—Construction—Liability for Depreciation of Automobile after Accident.—Christison *v.* St. Paul Fire, etc., Co., in the Supreme Court of Minnesota, 163 N. W. 980, offers an extreme illustration of the rule that an insurance policy prepared by the insurer will be so construed as to restore ambiguity and doubt in favor of the assured. It appeared that "defendant insurance company issued a policy to plaintiff insuring him against loss by reason of liability imposed by law for the destruction of, or injury to, the property of others arising from plaintiff's ownership, maintenance, or use of cer-